

CHAPTER LII.

AN ACT TO ENABLE CERTAIN TOWNS AND VILLAGES, TO AID IN THE CONSTRUCTION OF A RAILROAD, STARTING AT THE MISSISSIPPI RIVER AT OR NEAR MINNEISKA, IN THE COUNTY OF WABASHAW, AND RUNNING IN A WESTERLY DIRECTION THROUGH THE VILLAGES OF BEAVER AND PLAINVIEW TO THE ZUMBRO VALLEY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That it shall be lawful for the towns of Minneiska, Plainview, Highland, Oakwood, Elgin and Mazeppa, and villages of Minneiska and Plainview in the county of Wabasha, the town of Whitewater in the county of Winona, and the towns of Farmington, Haverhill and Oronoco in the county of Olmsted, to aid in the construction of any projected railroad which shall start at or near the village of Minneiska and run in a westerly direction through villages of Beaver and Plainview in either or all of the modes to be hereinafter provided.

SEC. 2. Whenever at any time within two years after the passage of this act, a petition shall be presented to the supervisors of any of the townships, and the mayor and council, or president and trustees of any village above mentioned, signed by at least one third of the number of legal voters that voted at the last general election in said township or village, asking that the question of aiding in the construction of any railroad as aforesaid, and stating the amount desired to be furnished as such aid be submitted to the votes thereof, it shall be the duty of the supervisors of said town or authorities of the said village to immediately give notice of a special election, by posting notices thereof in five conspicuous public places in such town or village, at least fifteen days before said election, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of tax proposed to be raised, and the town or towns, village or villages in which said tax shall be expended; at which election to be held in accordance with said notice, the question of raising the amount so specified by taxation in said town or village, shall be submitted to the legal voters of said town or village to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words "railroad tax yes" and those opposing the measure, having written or printed on their ballots the words "railroad tax no." The election shall be conducted and the ballots canvassed as nearly as may be in accordance with the manner of conducting town or village elections, using the same poll list used at the last previous general election, and if a majority of the votes polled at any such election shall be in favor of the proposed tax, the supervisors of the town, and mayor and council or president and trustees of the village, or officers holding the

election, shall forthwith certify to the auditor of the county the fact, and the amount of the tax thus voted by such town or village, and the board of county commissioners of the county shall at the time of levying the ordinary annual taxes next following said special election, levy all taxes voted under the provisions of this act, and cause the same to be placed on the grand duplicate tax list of such town or village, and said taxes shall be collected in the same manner and by the same officers as county and state taxes, and subject to the same penalties for non-payment thereof; but the aggregate amount of the tax levied under the provisions of this act in said town or towns, village or villages, shall in no case exceed five per cent. of the assessed value of the taxable property of said town or village, as it appears on the assessment roll whereon the tax is levied, except the township and village of Plainview in Wabasha county, which shall be authorized to levy a tax not to exceed eight per cent. as aforesaid.

SEC. 3. All taxes collected under the provisions aforesaid shall be paid by the county treasurer to the treasurer of the town or village voting the same, to be drawn on orders of the board of supervisors of the town, and the mayor and common council or president and trustees of the village or villages, from time to time and delivered to the treasurer of the railroad such tax has been voted to aid, upon the orders of the legally authorized agents thereof, which orders shall be accompanied by sworn statements of the engineer in charge of the work on such railroad, showing that at least double the amount of said order or orders has been expended for the construction of such railroad in accordance with the terms of the notice provided for in section two of this act, and it is hereby specially provided that no part of the funds raised under the foregoing provisions of this act, shall be expended in any other town or village than those specified in the notice of election, and in case said railroad shall fail to expend said moneys, on or before the first day of August next after the levying of said tax according to the conditions herein expressed, then and in that case said money shall be placed by said town or village treasurer to the credit of the general fund, and be expended by the town supervisors of each town, and mayor and common council or president and trustees of each village, in cancelling any indebtedness of said town or village, or in case, said town or village has no indebtedness, then the moneys shall be returned to the persons paying the same.

SEC. 4. Whenever, instead of the petition provided in the foregoing second section of this act, stating the amount desired to be raised by taxation as therein contemplated, there shall be presented to the persons or bodies, and be signed by the same number of legal voters as therein provided, a petition asking that the question of aiding in the construction of such railroad as hereinbefore provided, and noting the amount of special bonds of such town or village desired to be furnished as aid, be submitted to the voters thereof, it shall be the duty of the supervisors of such town, and the mayor and common council or president and trustees of such village, to immediately give notice of a special election, by notice as specified in section two of this act, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of bonds proposed to be issued, at which election the question of issuing to such railroad

company, the proposed amount of bonds of said town or village, shall be submitted to the legal voters of said town or village, to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words "railroad bonds—yes," and those opposing the measure having written or printed on their ballots, the words "railroad bonds—no." The election shall be conducted, and the votes canvassed in the same manner as above provided, in the case of the submission of the question of taxation, and if a majority of the votes polled at any such election shall be in favor of the issue of said bonds the supervisors of the town, the mayor and council or president and trustees of the village, shall cause to be issued, in the name of such town or village, and be signed by the supervisors, and attested by the town clerk, or by the mayor and council or president and trustees of the village, and attested by the village clerk or recorder, running to said railroad company, or bearer, the special bonds of said town or village, to the aggregate amount so voted, which shall be in sums, not less than fifty dollars, nor exceeding one thousand dollars, each having not exceeding twenty years to run and bearing interest not exceeding the rate of eight per cent. per annum, the amount of each, rate of interest, time and place and manner of payment, within the limitations and restrictions aforesaid, to be fixed by the respective supervisors, mayor and council, or president and trustees, issuing them or causing them to be issued, and such bonds may have interest coupons attached, and may be substantially in the following form or similar thereto, viz:

No. \$
 STATE OF MINNESOTA, }
 Town (or village) of }

Know all men by these presents, that the town (or village) of
 in the county of and state of Minne-
 sota, is indebted to the railroad company, of
 the state of Minnesota, in the sum of dollars,
 which they promise to pay to the bearer hereof, on the
 day of A. D. in the city of
 with interest thereon, from the first day of in each
 year on the presentation and surrender of the annexed coupons as
 they severally become due. This bond is one of a series of like tenor
 and date issued by the town (or village) of to aid
 in the construction of a railroad from
 to and

In witness whereof, the town (or village) of
 has caused this bond to be signed, sealed and delivered in their corpor-
 ate name, by order of the supervisors of said town (or of the mayor
 and council or president and trustees of said village), pursuant to
 their resolutions in this respect passed.

The town (or village) of by
 supervisors (or mayor and council or president and trustees), attest,
 town clerk, (or village clerk or recorder).

Provided. That all bonds issued under and by virtue of this act, shall
 be negotiated on behalf of said towns issuing such bonds at not less
 than their par value.

SEC. 5. In case of the submission of either of the questions of taxa-

tion or issuing bonds as aforesaid, and the same has been voted down in any town, the same question upon a new petition may be submitted at the next town election, or at any time within two years thereafter, in the same manner and with the same effect as at the previous special election, but not more than two elections shall be had under this act.

SEC. 6. Every town or village issuing and delivering its bonds as aforesaid shall provide by taxation and otherwise for the punctual payment thereof, principal and interest.

SEC. 7. The public use and benefit of the railroad so aided is hereby declared.

SEC. 8. For all the purposes of this act the village of Plainview shall be taken and considered as a part of the township of Plainview, anything in the charter of said village to the contrary notwithstanding.

SEC. 9. The village of Minneiska, if so ordered by the corporate authorities thereof may hold an election, and vote taxes, or bonds on said village, separate and apart from the township of Minneiska, and do and perform every act and thing that towns are authorized to do and perform under and by virtue of this act, where a like petition is presented to the trustees or common council thereof.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 2, 1876.

CHAPTER LIII.

AN ACT TO AUTHORIZE THE CITY OF FARIBAULT, IN THE COUNTY OF RICE, TO ISSUE ITS BONDS TO AID IN THE CONSTRUCTION OF THE MINNESOTA MIDLAND RAILWAY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall be lawful for the city of Faribault, in the county of Rice, to issue its bonds in an amount to be fixed by the common council of said city, to aid in the construction of the Minnesota Midland Railway, a railway proposed to be built from the city of Wabasha, up the valley of the Zumbro river, to Faribault, and westerly beyond said Faribault, with branches, by complying with the provisions of this act.

SEC. 2. Whenever a petition signed by at least twenty-five of the legal voters of said city, who shall be freeholders therein, and who were qualified to vote at the last election, held in said city, previous to the passage of this act, asking that the question of aiding in the construction of said railway, shall be submitted to the electors of said city, shall be presented to the city council of said city, it shall be the duty of said city council immediately to fix the amount of aid proposed to be given in aid of the construction of said railway, and to give notice of a special election to be held in said city, to vote upon the question